

Justice Reinvestment Advisory Council
Meeting Minutes
October 19, 2017

The Justice Reinvestment Advisory Council met at the Indiana Office of Court Services at 30 S. Meridian Street in Indianapolis, Indiana on October 19, 2017. The Advisory Council met 10 a.m.-12 p.m.

- 1. Members present.** The following members of the Justice Reinvestment Advisory Council were present: David Powell, Executive Director of the Indiana Prosecuting Attorneys Council; Kevin Moore, Director of the Division of Mental Health and Addiction; Julie Lanham, proxy for the Commissioner of the Indiana Department of Correction; Larry Landis, Executive Director of the Indiana Public Defender Commission; David Murtaugh, Executive Director of the Indiana Criminal Justice Institute; Bill Watson, President of the Indiana Association of Community Corrections Act Counties; Adam McQueen, President of the Probation Officers Professional Association of Indiana; and Jane Seigel, Executive Director of the Indiana Office of Court Services and Advisory Council Chair.
- 2. Guests present.** The following guests also attended the meeting: Mary Willis from the Office of Judicial Administration; Liz Darlage and Jon Ferguson from the Indiana Department of Correction; Troy Hatfield from the Probation Officers Professional Association of Indiana; Kristen Banschbach from the Indiana State Budget Agency; Angie Boarman from the Division of Mental Health and Addiction; Matt Brooks from the Indiana Association of Community Mental Health Centers; Trent Glass from the Indiana House of Representatives; Chris Naylor from the Indiana Prosecuting Attorneys Council; Dave Williams from Trial Court Technology; Bernice Corley and Kristin Casper from the Indiana Public Defender Commission; Sharon Jackson from the Governor's Office; Stephanie Yager from the Indiana Association of County Commissioners; Lynn Wininger from the Indiana Association of Community Corrections Agencies; Will Young from the Family and Social Service Administration; and David Bausman from the Office of the Attorney General.
- 3. Staff assistance.** Jennifer Bauer, Mary Kay Hudson, and Michelle Goodman provided staff assistance to the Advisory Council.
- 4. Approval of minutes.** The minutes from the September 2017 meeting were unanimously approved.
- 5. DOC population report.** Jon Ferguson reported that DOC has seen population growth since July, likely from inmates staying longer as they serve 75% of sentences. As of October 1, the total population was 10,198. Mr. Ferguson

stated that he expects the population growth to continue as inmates “stack” with the longer stays. He also stated that maximum security beds are almost full, even though the other numbers are decreasing. He explained that out of 27,800 available beds in DOC, 26,000 are currently in use. The Advisory Council members discussed crowding at DOC and that removing Level 6 felons was not a solution to the problem. The Advisory Council members requested that the monthly DOC population report show admissions and releases next to each other and also show the number of maximum security beds available and used. Jon Ferguson agreed to set up a meeting with DOC Research Director Aaron Garner for Advisory Council members to discuss additional data points for the monthly report.

6. **DOC update.** Julie Lanham introduced Kristin Banschbach as the new community corrections director. She reported that DOC is working on updates to the grant application. Each eligible entity will have a section in the report, which will be submitted as part of a larger packet. Liz Darlage highlighted the changes to the grant application: the number of people served is broken out into directly supervised and indirectly supervised, and fringe benefits are tied to a specific position. Ms. Darlage asked the Advisory Council members to review the updated grant application and send her any recommended changes. DOC will distribute the grant application by November 15th and applications will be due before January 31st. Ms. Darlage also distributed the collaboration plan and stated that it may need a legislative amendment. Jane Seigel suggested a small workgroup to draft an amendment to the collaboration statute. The workgroup members are Jenny Bauer, Trent Glass, Adam McQueen, Bill Watson, Bernice Corley, and Kristin Casper. Ms. Lanham also reported that she met with the State Board of Accounts recently to discuss the issue of Tippecanoe County using grant funding for staff raises. She stated that SBOA’s initial position was that it would not pursue the case because there was nothing in writing about the prohibition on using grant money for staff raises. Ms. Lanham reported that DOC used previous JRAC minutes to show that the Advisory Council voted on the salary restriction and that the Tippecanoe community corrections director was present for the vote (and voted in favor of it). She thanked Jenny Bauer for the detailed minutes and said the case is still under review by SBOA.
7. **DMHA update.** Kevin Moore reported that he testified three times before the Corrections and Criminal Law Interim Study Committee. He stated that he thinks the misdemeanor Recovery Works issue will get kicked back to the Advisory Council to devise a pilot. Mr. Moore also stated that the Advisory Council can discuss cost limits as DMHA gets closer to spending all the Recovery Works funding. Angie Boarman reported that DMHA is in the process of hiring additional staff to provide regional support for Recovery Works. She also reported that there is no change in the top 5 services: medication, group substance abuse counseling, individual skills training, transportation, and

housing. The top 5 counties are: Marion, Vanderburgh, Allen, Madison, and Monroe. Ms. Boarman stated that there are currently 18,653 total participants in Recovery Works and \$19M has been spent since the inception of the program. The Advisory Council asked Ms. Boarman to report on the total number of participants still getting Recovery Works services and the average length of stay in services. Ms. Boarman also reported that Medicaid payout covers the Medicaid rehabilitation option (MRO) if the person meets the definition of “medically frail”. Recovery Works allows DMHA to leverage federal money for more services and frees up traditional matching dollars for other services. In addition, Ms. Boarman reported there are now 99 providers (covering 2000 individuals) and 68 are actively billing to Recovery Works.

- 8. Legislative subcommittee report.** Larry Landis reported that the subcommittee has several proposals for possible legislative action and asked Michelle Goodman to explain the proposals. Ms. Goodman explained that the proposal to amend IC 33-37-4-1 was requested by the Indiana Prosecuting Attorneys Council to allow prosecutors to charge fees in pretrial diversion programs. Ms. Goodman stated that the proposed language requires that the fees are reasonably related and approved by the trial court. Dave Murtaugh made a motion to move the legislative proposal forward and David Powell seconded the motion. The Advisory Council members discussed the proposed amendment and how it relates to public policy and the JRAC purpose. The motion failed by a vote of 1-5 with one abstention. Ms. Goodman explained that the next proposal is for an amendment to IC 12-23-19-1, which was proposed last year and sent to a summer study committee. She stated that the language is the same, with the date changed to January 1, 2019. Dave Murtaugh made a motion to move the legislative proposal forward and Larry Landis seconded the motion. The Advisory Council members discussed whether the date was necessary and Mr. Murtaugh accepted a friendly amendment to strike the date from both sections. The motion passed, 5-2. Ms. Goodman also explained that the legislative committee is also considering proposed amendments to IC 35-33-8-3.3 on the pretrial services fee, the length of probation, and L6 exception for safekeeping in DOC. Jane Seigel requested members to review the language and send comments to the legislative committee before the next meeting.
- 9. Announcements.** Jane Seigel announced that the 2017 JRAC annual report was submitted to the legislature, governor, and chief justice on September 29th as required by statute. She thanked Jenny Bauer for submitting the report. Ms. Seigel distributed a one-page JRAC summary and stated she plans to distribute the summary at the upcoming Supreme Court retreat. She invited other JRAC members to use the summary with their constituent members. Ms. Seigel also introduced Stephanie Yager from the Indiana Association of County Commissioners and announced that IACC invited JRAC members to speak at their conference on November 29th at the Sheraton Keystone Hotel. Ms. Seigel also

announced that there is the possibility of a new JRAC/EBDM staff person supported with DOC funding.

10. Other business. Larry Landis reported that he submitted a legislative proposal to the Corrections and Criminal Law Interim Study Committee to expand the pool of licensed providers for Recovery Works. He distributed a copy of the proposal.

11. Next meeting. Jane Seigel announced that the date for the next Advisory Council meeting is November 8 at 12:00 p.m. at the Indiana Office of Court Services. The first meeting of 2018 will be January 19 at Noon at the IOCS new office on 251 N. Illinois Street.

Respectfully submitted,

Jennifer Bauer
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Indiana Office of Court Services